

William M. Audet (waudet@audetlaw.com)  
Michael McShane (mmcshane@audetlaw.com)  
Adel A. Nadji (anadji@audetlaw.com)  
AUDET & PARTNERS, LLP  
221 Main Street, Suite 1460  
San Francisco CA 94105  
Telephone: 415.982.1776  
Facsimile: 415.568.2556

*Attorneys for Plaintiffs and  
the Class Members*

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA**

Allen Loretz, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

Regal Stone, Ltd., Hanjin Shipping, Co., Ltd.,  
Synergy Maritime, Ltd., Fleet Management  
Ltd., and John Cota, *In Personam*; M/V Cosco  
Busan, their engines, tackle, equipment,  
appurtenances, freights, and cargo *In Rem*,

Defendants.

Case No. C 07-5800 SC  
And related cases:

07-6045 SC, 08-2268 SC, 08-2052 SC,  
08-5098 SC, 09-01469 SC

**DECLARATION OF RACHEL  
CHRISTMAN**

I, Rachel Christman, declare as follows:

1. I am over the age of 18 and I have personal knowledge of the facts contained in  
this Declaration and can competently testify to the statements contained herein.

2. I submit this declaration in support of the motion for final approval of the  
Dugness Crab Class action Settlement. Unless otherwise stated, I have personal knowledge of  
the facts set forth in this Declaration and could testify competently to them if called upon to do  
so.

1           3.       I am the Case Manager assigned to this Settlement at Gilardi & Co. LLC  
2 ("Gilardi") and oversaw the implementation of the Class Notice program.

3           **Direct Mail Notice**

4           4.       Pursuant to the Court's preliminary approval order ("Order"), on April 21, 2010,  
5 Gilardi mailed the Long Form Notice and Crewmember Claim Form with instructions to the 406  
6 crewmembers on the direct mailing list and the Long Form Notice and Skipper Claim Form with  
7 instructions (collectively the "Notice Packet") to the 52 skippers on the direct mailing list. I am  
8 informed and believe that the mailing list was generated by Defendants from its database, which  
9 included Class Counsel's clients. A true and correct copy of the Long Form Notice that was  
10 mailed to all class members, the Claim Form and Claim Form Instructions mailed to  
11 Crewmembers, and the Claim Form and Claim Form Instructions mailed to Skippers are attached  
12 hereto as Exhibits A, B and C.

13           5.       Prior to mailing, the addresses were checked against the National Change of  
14 Address ("NCOA") database maintained by the United States Postal Service ("USPS"). As of the  
15 date of this declaration, 42 Notice Packets have been returned as undeliverable by the USPS.

16           **Summary Notice**

17           6.       Thereafter, the Court-approved Summary Notice was published in the June 4, 11,  
18 18, and 25 editions of the Eureka Times (which has a reported weekday circulation of 19,108),  
19 San Luis Obispo – The Tribune (which has a reported weekday circulation of 34,182), the Santa  
20 Cruz Sentinel (which has a reported weekday circulation of 22,302) and the Seattle Times  
21 (which has a reported weekday circulation of 263,468). It was also published in the June 9, 16,  
22 23, and 30 editions of the Half Moon Bay Review (which has a reported weekday circulation of  
23 6,725), and in the June 4, 10, 16, and 23 editions of the San Francisco Chronicle (which has a  
24 reported weekday circulation of 241,330). The Summary Notice included general information  
25 about who might be a Class Member, the case, the terms of the Settlement, Class Member rights  
26 and options, and upcoming deadlines and dates. The Summary Notice prominently displayed the  
27 settlement website address, which is a website where Class Members may obtain additional  
28 information regarding the Settlement. Additionally, the Summary Notice included a toll-free

1 telephone helpline number that Class Members could call to obtain more detailed information  
2 about the case. Attached hereto as Exhibit D is a true and correct copy of the Summary Notice.

3 7. To ensure greater comprehension, and in accordance with the notice guidelines  
4 provided by the Federal Judicial Center on Notice, the Notice Packet and Summary Notice were  
5 written in a clear, plain and concise style appropriate for the target audience. Both comported  
6 with the plain language standards for legal noticing and provided Class Members with a  
7 summary of the case, their rights, and important dates and deadlines. Additionally, the website  
8 address and toll-free telephone number were prominently positioned in the Class Notices, so  
9 Class Members could easily obtain more detailed information.

10 **Settlement Website and Toll-Free Number**

11 8. By June 7, 2010, Gilardi activated the settlement website, located at  
12 [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com). The settlement website includes copies of the Preliminary  
13 Approval Order, Summary Notice, Long Form Notice, Skipper Claim Form, Skipper Claim  
14 Form Instructions, Crewmember Claim Form, and Crewmember Claim Form Instructions. The  
15 website also includes a brief description of the class, a list of dates to remember including the  
16 date of the Fairness Hearing and a detailed list of Frequently Asked Questions ("FAQs").  
17 Finally, the website provides the toll-free number and physical address for Gilardi's customer  
18 service operations related to the Settlement.

19 9. By June 2, 2010, Gilardi & Co. activated the toll-free number (866-242-3988).  
20 Class Members may call with any questions they have regarding the Settlement. English and  
21 Spanish speaking operators are available from 7:00 am to 5:00 pm PST.

22 10. The deadline for class members to submit requests for exclusion from the  
23 Settlement is July 19, 2010. As of the date of this declaration, Gilardi has received zero requests  
24 for exclusion from the Settlement.

25 11. The deadline for class members to submit objections to the Settlement is August  
26 13, 2010. As of the date of this declaration, Gilardi has received zero objections to the  
27 Settlement.  
28

1 I declare under penalty of perjury of the laws of the State of California and of the United  
2 States that the foregoing is true and correct, and that this declaration was executed in San Rafael,  
3 California, on July 1, 2010.

4 Rachel Christman

5 Rachel Christman  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

**LEGAL NOTICE**

***U.S. DISTRICT COURT – N.D. CAL. (Loretz et al. v. Regal Stone Limited, et al.)  
SAN FRANCISCO SUPERIOR COURT (Tarantino et al. v. Regal Stone Limited, et al.)***

**IF YOU WERE A COMMERCIAL DUNGENESS CRAB FISHERMAN  
OPERATING IN DISTRICT 10**

**AT THE TIME OF THE  
NOVEMBER 7, 2007 COSCO BUSAN OIL SPILL**

**YOU MAY BE ELIGIBLE TO PARTICIPATE  
IN A CLASS ACTION SETTLEMENT**

*The District Court has authorized this Notice. It is not a solicitation from a lawyer.  
You are not being sued.*

- A proposed class action settlement (“Settlement”) of the claims of commercial Dungeness crab fishermen operating in District 10 has been reached in two class actions (*Loretz, et al. v. Regal Stone Limited, et al.* & *Tarantino v. Regal Stone Limited, et al.* ) filed on behalf of commercial fishermen against certain parties alleged to be responsible for the November 7, 2007 Cosco Busan Oil Spill (“CBOS”). The lawsuits claim that commercial fishermen operating in the San Francisco Bay and surrounding ocean area were injured financially by the CBOS and that Defendants Regal Stone Limited, Fleet Management Ltd., Hanjin Shipping, Ltd., John Cota and others (collectively, “Defendants”) are responsible for those injuries.
- The Settlement provides a means for commercial Dungeness crab fishermen operating in District 10 (“Dungeness Crab Settlement Class”) to receive final payments that could be worth thousands of dollars (“Settlement Consideration”). In exchange, Dungeness Crab Settlement Class members would be required to completely release Defendants and related parties (collectively “Released Parties”) from liability for any financial injuries that they have suffered or may suffer as a result of the impact of the CBOS on the District 10 Commercial Dungeness Crab Fishery.
- The Settlement operates in addition to and in combination with the claims process established by Regal Stone Limited under the Oil Pollution Act of 1990 (“OPA”) and the Lempert-Keane-Seastrand Act and administrated by Hudson Marine Management Services, by which commercial Dungeness crab fishermen are compensated for their alleged loss of income resulting from the effect of the California Executive Order dated November 13, 2007, suspending fishing for human consumption in the San Francisco Bay and other defined waters, on the 2007 District 10 Commercial Dungeness Crab Fishery (“Dungeness Crab Closure Claims Process”).
- The Settlement does not cover claims of any person for personal injuries or property damage resulting from the CBOS. The Settlement also does not cover claims of any person for financial injuries arising out of the impact of the CBOS on any other fishery.

## A Summary of Your Rights and Choices:

*Your Legal Rights Are Affected Even If You Do Not Act.  
Read This Notice Carefully.*

<b>You May:</b>		<b>Due Date:</b>
<b><i>Do Nothing</i></b>	If you do nothing, you will not receive any Settlement Consideration. You will give up your rights to be part of any other lawsuit against the Released Parties for financial injuries resulting from the effect of the CBOS on the District 10 Commercial Dungeness Crab Fishery. Your rights to participate in the Dungeness Crab Closure Claims Process will be unaffected. (See Question 10)	<u><b><i>N/A</i></b></u>
<b><i>File a Claim</i></b>	<b><i>Submit a Claim Form</i></b> This is the only way for you to receive Settlement Consideration. (See Question 9)	<u><b><i>This Date May Be As Early As Nov. 2, 2010</i></b></u>
<b><i>Exclude Yourself</i></b>	<b><i>Opt out of the Class</i></b> You may write and ask to opt out of the Dungeness Crab Settlement Class and retain your right to sue the Released Parties on your own about the impact of the CBOS on the District 10 Commercial Dungeness Crab Fishery. (See Questions 13 and 14)	<u><b><i>July 19, 2010</i></b></u>
<b><i>Object to the Settlement</i></b>	<b><i>Object to or comment on the Settlement.</i></b> If you do not exclude yourself, you may appear and speak at the Fairness Hearing on your own or through your own lawyer to object to or comment on the Settlement. (Class Counsel has been appointed to represent you.) (See Question 15)	<u><b><i>Aug. 13, 2010</i></b></u>

**THESE RIGHTS AND OPTIONS  
– AND THE DEADLINES TO EXERCISE THEM –  
ARE EXPLAINED IN THIS NOTICE.**

## ***WHAT THIS NOTICE CONTAINS***

### **EXECUTIVE SUMMARY**

#### **BASIC INFORMATION**

1. Why did I get this Notice? .....	4
2. What are the lawsuits about? .....	4
3. Why are they class actions? .....	4
4. Why is there a Settlement? .....	4
5. Who is a Dungeness Crab Settlement Class Member? .....	4
6. What is the Dungeness Crab Closure Claims Process? .....	5
7. How do the Dungeness Crab Closure Claims Process and the Settlement relate? .....	6

#### **BENEFITS OF THE SETTLEMENT – WHAT YOU GET**

8. What does the Settlement provide? .....	6
9. What do I need to do in order to participate in the Settlement? .....	7

#### **REMAINING IN THE CLASS**

10. What happens if I do nothing? .....	8
11. If I remain in the Dungeness Crab Settlement Class, what claims am I specifically giving up? .....	8
12. What entities am I releasing? .....	9

#### **EXCLUDING YOURSELF FROM THE SETTLEMENT CLASS**

13. What if I don't want to be in the Dungeness Crab Settlement Class? .....	9
14. How do I exclude myself from the Dungeness Crab Settlement Class? .....	9

#### **COMMENTING ON THE SETTLEMENT**

15. May I object to or comment on the Settlement? .....	10
16. What is the difference between objecting to the Settlement and excluding myself from the Settlement? .....	10

#### **THE LAWYERS REPRESENTING YOU**

17. Do I have a lawyer representing my interests in these cases? .....	10
18. How will the lawyers be paid? .....	11
19. Should I get my own lawyer? .....	11

#### **THE COURT'S FAIRNESS HEARING**

20. When and where will the Court decide on whether to grant final approval of the Settlement? .....	11
21. Must I attend the Fairness Hearing? .....	11
22. May I speak at the Fairness Hearing? .....	12

#### **GETTING MORE INFORMATION**

23. Where do I obtain more information? .....	12
---	----



## **BASIC INFORMATION**

### **1. Why did I get this Notice?**

You received this Notice because you have been identified as a commercial Dungeness crab fisherman operating in District 10 at the time of the November 7, 2007 CBOS.

This Notice explains:

- What the lawsuits and the Settlement are about.
- What the lawsuits claim and what Defendants say about the claims.
- Who is affected by the Settlement.
- Who represents the Dungeness Crab Settlement Class in the lawsuits.
- What your legal rights and choices are.
- How and by when you need to act.

### **2. What are the lawsuits about?**

The lawsuits claim that Defendants are responsible for the impact of the November 7, 2007 Cosco Busan Oil Spill ("CBOS") on commercial fishing operations in the San Francisco Bay and surrounding ocean areas. Defendants have denied the claims asserted in the lawsuits.

### **3. Why are they class actions?**

In a class action lawsuit, one or more people called "class representatives" sue on behalf of people who have similar claims. The people together are a "class" or "class members." The court must determine if it will allow the lawsuit to proceed as a class action. If it does, all decisions made will affect everyone in the class.

Here, the people that sued, Allen Loretz, John Tarantino, Steven Fitz, John Atkinson, and Sean Hodges ("Dungeness Crab Settlement Class Representatives") and Regal Stone Limited and Fleet Management Ltd. ("Defendants") have reached a Settlement of certain claims relating to the alleged effect of the CBOS on the District 10 Commercial Dungeness Crab Fishery. The Court has preliminarily approved the Settlement. There will be a Fairness Hearing for the Court to decide whether to give final approval to the Settlement. (See Question 20)

### **4. Why is there a Settlement?**

A settlement is an agreement between a plaintiff and a defendant following negotiation. Settlements conclude litigation but this does not mean that the court has ruled in favor of the plaintiff or the defendant. A settlement allows both parties to avoid the cost and risk of a trial and permits both parties to establish a just, fair and final resolution that is best for all involved. In this case, the settlement was reached after extensive mediation before a neutral mediator. If the Court approves this Settlement, then the Released Parties (defined below) will no longer be legally responsible for the Released Claims (defined below).

The lawyers representing the Dungeness Crab Settlement Class ("Class Counsel") and Defendants have engaged in extensive, arm's-length negotiations regarding the issues presented in the lawsuit and the possible terms of a settlement. Defendants are willing to settle the claims in this lawsuit and Class Counsel believe the Settlement is fair, reasonable and adequate and in the best interests of the Dungeness Crab Settlement Class.

### **5. Who is a Dungeness Crab Settlement Class Member?**

IF YOU ARE A SKIPPER: You are included as a Dungeness Crab Settlement Class Member if you are an individual or entity in the United States who:

- At the time of the CBOS, was a commercial crab fisherman authorized to fish for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery; and
- You are eligible for participation in the Dungeness Crab Closure Claims Process; and
- You have submitted a Dungeness Crab Closure Claim relating to the District 10 Commercial Dungeness Crab Fishery through the Dungeness Crab Closure Claims Process on or before 120 days after entry of a Final Order Approving the settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting a Dungeness Crab Closure Claim could be as early as January 1, 2011. ; and
- You ultimately receive, as a result, compensation through the Dungeness Crab Closure Claims Process relating to the District 10 Commercial Dungeness Crab Fishery.

As this description makes clear, YOUR ELIGIBILITY TO PARTICIPATE IN THE SETTLEMENT depends on you filing a Dungeness Crab Closure Claim by as early as January 1, 2011. (See Question 6 below)

IF YOU ARE A CREWMEMBER: You are included as a Dungeness Crab Settlement Class Member if you are an individual in the United States who:

- Can demonstrate, through Proof Of Crewmember Participation, that you worked as a crewperson on a crab boat commercially fishing for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery during the 2007/08 Commercial Dungeness Crab fishing season; and
- During one or more Dungeness Crab Crewmember Qualifying Season(s). The Dungeness Crab Crewmember Qualifying Seasons are: 2003/04; 2004/05; 2005/06; 2006/07.

**Dungeness Crab Crewmembers do not include those Persons who have received a portion of any Final Individual Skipper Settlement Payment.**

There are a number of people who are not included in the Class. These people include:

- Defendants and their subsidiaries and affiliates;
- All represented persons who on advice of counsel have independently settled and released claims against Settling Defendants prior to April 21, 2010;
- Governmental entities; and
- The Judges to whom the Actions are assigned and any immediate family members thereof.

#### **6. What is the Dungeness Crab Closure Claims Process?**

The Dungeness Crab Closure Claims Process is a process established by Regal Stone Limited under the Oil Pollution Act of 1990 ("OPA") and the Lempert-Keane-Seastrand Act and administrated by Hudson Marine Management Services, by which commercial Dungeness crab fishermen are compensated for their loss of income resulting from the effect of the California Executive Order dated November 13, 2007, suspending fishing for human consumption in the San Francisco Bay and other defined waters, on the 2007 District 10 Commercial Dungeness Crab Fishery ("Dungeness Crab Closure Losses").

## 7. How do the Dungeness Crab Closure Claims Process and the Settlement relate?

IF YOU ARE A SKIPPER: The Settlement operates in addition to, and in combination with, the Dungeness Crab Closure Claims Process. The Dungeness Crab Closure Claims Process provides a mechanism through which commercial Dungeness crab fishermen can seek compensation for Dungeness Crab Closure Losses. (See Question 6) The Settlement provides additional benefits (“Settlement Consideration”) to commercial Dungeness crab fishermen that participate in and are compensated through the Dungeness Crab Closure Claims Process on or before 120 days after entry of a Final Order Approving the settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting a Dungeness Crab Closure Claim could be as early as January 1, 2011. Please visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or call 1-866-242-3988 for exact claims deadline information.

A Dungeness Crab Settlement Class Member’s eligibility to participate in the Settlement depends, in the first instance, on the Member’s participation in the Dungeness Crab Closure Claims Process by as early as January 1, 2011 and the Member’s agreement to limit his, her or its appeal of any result reached in the Dungeness Crab Closure Claims Process to an appeal to the National Pollution Funds Center (“NPFC”). (See Question 6)

The amount of Settlement Consideration that a Dungeness Crab Settlement Class Member can ultimately receive through the Settlement depends substantially on the amount that the Member receives through the Dungeness Crab Closure Claims Process (“Dungeness Crab Closure Claim Payment”). (See Question 6)

The Settlement does not limit or otherwise affect a person’s right to participate in the Dungeness Crab Closure Claims Process, including, but not limited to, applicable time limits. However, in order to participate in the Settlement, a person must submit his or her Dungeness Crab Closure Claim by as early as January 1, 2011. Any person that submits a Dungeness Crab Closure Claim by as early as January 1, 2011 and receives a payment through the Dungeness Crab Closure Claims Process will be eligible to participate in the Settlement, but will only be allowed to appeal the result reached in the Dungeness Crab Closure Claims Process by an appeal to the NPFC.

IF YOU ARE A CREWMEMBER: The Settlement operates independently from the Dungeness Crab Closure Claims Process, and does not require eligible crewmembers to participate in the Dungeness Crab Closure Claims Process.

**Any person or entity that desires to fully preserve his, her or its rights to appeal the result reached in the Dungeness Crab Closure Claims Process in any forum in addition to the NPFC should exclude him, her, or itself from the Settlement.**

## BENEFITS OF THE SETTLEMENT

## 8. What does the Settlement provide?

IF YOU ARE A SKIPPER: Defendants will make the following payments to Dungeness Crab Settlement Class Members:

- A payment equal to any amount by which the Dungeness Crab Settlement Class Member’s Dungeness Crab Closure Payment was reduced to reflect payment that the Dungeness Crab Settlement Class Member received in exchange for participation in the clean-up of the CBOS (“Clean-Up Payment Reimbursement”); and
- A payment equal to twenty-five percent (25%) of the total of: (i) the Dungeness Crab Closure Payment received by the Dungeness Crab Settlement Class Member, plus (ii) the Clean-Up Payment Reimbursement received by the Dungeness Crab Settlement Class Member; and

- A payment equal to reasonable attorneys' fees paid by any Dungeness Crab Settlement Class Member who participated in the Dungeness Crab Closure Claims Process prior to March 17, 2010, and was represented in the Dungeness Crab Closure Claims Process by counsel, and compensated their counsel in connection with such representation. Such payment will not exceed twenty-seven percent (27%) of the Dungeness Crab Closure Payment received by the Dungeness Crab Settlement Class Member.

Complete details about the Proposed Settlement can be accessed on the Claims Administrator's website at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com).

IF YOU ARE A CREWMEMBER: Defendants will make the following payments to Dungeness Crab Settlement Class Members:

- A payment of \$500 ("Dungeness Crab Crewmember Base Settlement Payment"); and
- A payment of \$250 for each Dungeness Crab Crewmember Qualifying Season that the Dungeness Crab Crewmember can demonstrate, through Proof Of Crewmember Participation, that he or she worked as a crewperson on a crab boat commercially fishing for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery that is in addition to the Dungeness Crab Crewmember Qualifying Season necessary to qualify as Dungeness Crab Crewmember ("Dungeness Crab Crewmember Additional Settlement Payment"). (See Question 5)

In no case will a Dungeness Crab Crewmember's Dungeness Crab Crewmember Additional Settlement Payment equal more than \$750. And in no case will the total of a Dungeness Crab Crewmember's Base Settlement Payment and Dungeness Crab Crewmember Additional Settlement Payment equal more than \$1250.

#### **9. What do I need to do in order to participate in the Settlement?**

IF YOU ARE A SKIPPER: To be eligible to receive Settlement Consideration, you must: (1) submit your Dungeness Crab Closure Claims **on or before 120 days after entry of a Final Order Approving the settlement, which could be as early as January 1, 2011** (See Question 6); and (2) complete the enclosed claim form and mail it to the address below so that it is postmarked within one hundred and eighty (180) days of the resolution of your Dungeness Crab Closure Claim. If your Dungeness Crab Closure Claim was resolved prior to entry of a Final Order Approving the settlement, you must complete the enclosed claim form within one hundred and eighty (180) days of entry of a Final Order Approving the settlement. The Court will hold a hearing on final approval on September 3, 2010. **Therefore, the deadline for submission of the enclosed claim form may be as early as March 2, 2011**. Please visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or call 1-866-242-3988 for exact claims deadline information.

The enclosed claim form should be mailed to the following address so that it is postmarked within one hundred and eighty (180) days of the resolution of your Dungeness Crab Closure Claim. That date may be as early as March 2, 2011.

Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8060  
San Rafael, CA 94912-8060

IF YOU ARE A CREWMEMBER: To be eligible to receive Settlement Consideration, you must: (1) submit your Proof of Crewmember Participation, and (2) complete the enclosed claim form and send it to the Claims Administrator.

The enclosed claim form should be mailed to the following address so that it is **postmarked or filed on-line within sixty (60) days of the Court's entry of a Final Order Approving the settlement.** The Court will hold a hearing on final approval on September 3, 2010. **Therefore, the deadline for submitting the claims form could be as early as November 2, 2010.** Please visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or call 1-866-242-3988 for exact claims deadline information.

Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8060  
San Rafael, CA 94912-8060

“Proof Of Crewmember Participation” means the following alternative combinations of proof that a Person worked as crewmember on a crab boat that commercially fished for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery during the applicable season(s) in which that Person claims to have worked (See Question 5):

- (1) a copy of his or her California Fish & Game Commercial Fishing License covering the applicable season(s) and a copy of an Internal Revenue Service Form 1099 showing payment to the person for work as crewmember on a crab boat that commercially fished for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery during the applicable season(s); or
- (2) a copy of his or her California Fish & Game Commercial Fishing License covering the applicable season(s) and a copy of his or her federal tax return for the years covering the applicable season(s); or
- (3) a copy of his or her California Fish & Game Commercial Fishing License covering the applicable season(s) and a sworn declaration from the owner or operator of the crab boat that commercially fished for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery on which the person worked during the applicable season(s) and a canceled check showing payment from such owner or operator.

Regardless of whether you are a skipper or a crewmember, you should make a copy of your claim form to keep for your records.

Please ensure that you send in the claim for and not the request for exclusion, which is also enclosed.

If you request exclusion from the Dungeness Crab Settlement Class, you are no longer eligible to submit a claim.

#### **REMAINING IN THE CLASS**

#### **10. What happens if I do nothing?**

**If you do nothing, you will not receive any money from the Settlement.**

However, you will be included in the Dungeness Crab Settlement Class. You will be bound by the terms and conditions of the Settlement. You will never be able to pursue any other lawsuit against the Released Parties concerning the Released Claims.

#### **11. If I remain in the Dungeness Crab Settlement Class, what claims am I specifically giving up?**

The technical release is as follows: “Released Dungeness Crab Claims” means, subject to the exclusions stated in this paragraph, any and all liens, claims, actions, or causes of action, for damages, economic losses business

losses, loss of profits, earning capacity, loss of enjoyment, loss of subsistence, damages to natural resources, business interruption, personal distress, personal or financial impact, consequences that a Releasing Party, or any one of them, ever had, now has, or hereafter can, shall, or may have, directly, representatively, derivatively, or in any other capacity against Released Parties, on account of or arising from the alleged oil pollution arising from the CBOS and its effect, if any, upon the Releasing Party's activities as a commercial Dungeness crab fisherman in the San Francisco Bay and surrounding ocean areas. Released Dungeness Crab Claims specifically includes any claims of Releasing Parties against Released Parties based on latent, unknown or future damages to the Dungeness crab fisheries which may not yet have manifested themselves and which may negatively impact the Dungeness crab fishery in the San Francisco Bay and surrounding ocean areas at any future time and/or the Releasing Party's Dungeness crab income in the future. Specifically excluded from Released Dungeness Crab Claims are any and all claims that Releasing Parties or any other Person may have on account of or arising from: (1) any loss of, or damage to, real or personal property; and (2) the effect, if any, of the CBOS and alleged oil pollution resulting therefrom on any natural resource other than Dungeness crab or on any commercial fishery other than the District 10 Commercial Dungeness Crab Fishery, including but not limited to the District 9 Commercial Dungeness Crab Fishery.

## **12. What entities am I releasing?**

The Plaintiffs concluded the Settlement with Regal Stone Limited and Fleet Management Ltd. ("Settling Defendants"). The Settling Defendants have agreed to be responsible for all the financial obligations flowing from the Settlement, including payment of the Settlement Considerations to Dungeness Crab Settlement Class Members. The definition of "Released Parties," however, is broader.

"Released Parties" means all those with an interest in the M/V Cosco Busan (including Regal Stone Limited, Hanjin Shipping Company Ltd., Fleet Management Ltd., Fleet Management (Europe) Ltd., the M/V Cosco Busan, Synergy Maritime Services, Synergy Marine Ltd., the crew of the M/V Cosco Busan, Hudson Marine Management Services, The Steamship Mutual Underwriting Association (Bermuda) Ltd., Keesal, Young & Logan PC, John J. Cota, The San Francisco Bay Bar Pilots Association, The San Francisco Bay Bar Pilots Benevolent Association and each of those entities' respective agents, principals, attorneys, parents, subsidiaries, affiliates, sister companies and associated and holding companies.

## **EXCLUDING YOURSELF FROM THE DUNGENESS CRAB SETTLEMENT CLASS**

### **13. What if I don't want to be in the Dungeness Crab Settlement Class?**

If you do not want to be in the Dungeness Crab Settlement Class and you want to keep the right to sue the Released Parties about the same claims on your own, you must take steps to get out of the Dungeness Crab Settlement Class. This is called excluding yourself. By excluding yourself, you keep the right to file your own lawsuit or join any other person who excludes themselves and brings a lawsuit against the Released Parties about the Released Dungeness Crab Claims.

If you exclude yourself from the Dungeness Crab Settlement Class, you will not be able to receive a payment from the Settlement, and you cannot object to the Settlement.

### **14. How do I exclude myself from the Dungeness Crab Settlement Class?**

You may exclude yourself from the Dungeness Crab Settlement Class. If you wish to be excluded from the Dungeness Crab Settlement Class, you must complete and send the enclosed request for exclusion **postmarked on or before July 19, 2010** to:

Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8090  
San Rafael, CA 94912-8090



**OBJECTING TO OR COMMENTING ON THE SETTLEMENT****15. May I object to or comment on the Settlement?**

Yes. If you disagree with any part of the Settlement you may object to the Settlement through a written response that must be filed with the Court. You may also comment on the Settlement. The written response must include your name, address, telephone number, proof of your membership in the Settlement Class and an explanation of your reasons for objection. The document **must** be signed, and must clearly state that it relates to the following Action: *Loretz et al. v. Regal Stone Limited, et al.* (No. 07-5800-SC), to ensure the Court's review. The response must be filed with the Court **on or before August 13, 2010** at the following address:

Clerk of the Court  
 District Court of the Northern District Of California  
 450 Golden Gate Ave.  
 San Francisco, CA 94102

You should review the Court's rules regarding filing to ensure your document is properly filed. They are available on [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com). Copies of the objection or comment and any supporting documents must **also** be mailed to each of the following addresses **on or before August 13, 2010**.

Class Counsel:	Counsel for Defendants:
Audet & Partners, LLP 221 Main Street, Suite 1460 San Francisco, CA 94105	Keesal, Young & Logan 450 Pacific Avenue San Francisco, CA 94133
Cotchett Pitre & McCarthy San Francisco Airport Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010	

If you or your attorney wish to appear at the Fairness Hearing, your objection must include your notice of intention to appear.

**16. What is the difference between objecting to the Settlement and excluding myself from the Settlement?**

You object to the Settlement when you wish to remain a Dungeness Crab Settlement Class Member and be subject to the Settlement, but disagree with some aspect of the Settlement. An objection allows your views to be heard in Court.

In contrast, exclusion means that you are no longer a Dungeness Crab Settlement Class Member and ultimately do not want to be subject to terms and conditions of the Settlement. Once excluded, you lose any right to object to any aspect of the Settlement because the case no longer affects you.

**THE LAWYERS REPRESENTING YOU****17. Do I have a lawyer representing my interests in these cases?**

Yes. The Court has appointed the following law firms to represent you and other Class Members:

Audet & Partners, LLP 221 Main Street, Suite 1460 San Francisco, CA 94105	Cotchett Pitre & McCarthy San Francisco Airport Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010
---	--

These lawyers are called Class Counsel. You will not be charged personally for these lawyers, but they will ask the Court to order the Settling Defendants to pay their attorneys' fees and reimburse their expenses. The attorneys' fees and costs in this case will not be taken from the Settlement Consideration, but are instead to be paid by Defendants to Class Counsel on top of the Settlement Consideration.

**18. How will the lawyers be paid?**

Settlement Class Counsel will request that the Court award attorneys' fees and expenses. The Court has appointed Class Counsel to represent everyone in the Class. Defendants will also pay the cost of notice to Class Members and administration of the claims. These costs will not be paid from the settlement payments. Defendants have agreed to pay them separately.

You may hire your own attorney, if you wish. However, you will be responsible for that attorney's fees and expenses.

**19. Should I get my own lawyer?**

You do not need to hire your own lawyer, but if you want your own lawyer to speak for you or appear in Court, you must file a Notice of Intent to Appear (See Question 22) to find out how to submit a Notice of Intent to Appear). If you hire a lawyer to appear for you in the lawsuit, you will have to pay for that lawyer on your own.

**THE COURT'S FINAL APPROVAL HEARING**

**20. When and where will the Court decide on whether to grant final approval of the Settlement?**

The Court will hold a Fairness Hearing on September 3, 2010 at 10:00 a.m. to consider whether the Settlement is fair, reasonable and adequate. At the Fairness Hearing, the Court will decide whether to approve the Settlement and grant Class Counsel's application for attorneys' fees and expenses. If comments or objections have been received, the Court will consider them at this time.

Note: The Fairness Hearing may be postponed to a different date without additional notice. If you wish to attend the Fairness Hearing, you should check the Court's calendar online at:

<http://www.cand.uscourts.gov/CAND/Calendar.nsf/572d47d88520f842882566a2007f2b59/eacfb96b589da93b882566a30060ea5c?OpenDocument> to ensure that you have the correct date for the hearing.

**21. Must I attend the Fairness Hearing?**

No. Attendance is not required, even if you properly mailed a written response. Class Counsel is prepared to answer the Court's questions on your behalf. If you or your personal attorney wants to attend the Fairness Hearing, you are more than welcome at your expense. As long as the objection was postmarked before the deadline, the Court will consider it.



**22. May I speak at the Fairness Hearing?**

Yes. You may speak at the Fairness Hearing or hire your own lawyer to speak on your behalf. If you want to do so, you must give the Court a paper that is called a "Notice of Intent to Appear." The Notice of Intent to Appear should include the name and number of the lawsuit; it should also state that you wish to enter an appearance at the Fairness Hearing. It also must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. You cannot speak at the Fairness Hearing if you asked to be excluded from the Dungeness Crab Settlement Class. Your Notice of Intent to Appear **must** be filed with the Court **on or before August 13, 2010** at the following address:

Clerk of the Court  
 District Court of the Northern District Of California  
 450 Golden Gate Ave.  
 San Francisco, CA 94102

Copies of the Notice of Intent to Appear must be sent to each of the following addresses, postmarked no later than **August 13, 2010**:

Audet & Partners, LLP 221 Main Street, Suite 1460 San Francisco, CA 94105  Cotchett Pitre & McCarthy San Francisco Airport Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010	Keesal, Young & Logan 450 Pacific Avenue San Francisco, CA 94133
---	--

**GETTING MORE INFORMATION****23. Where do I obtain more information?**

More details are in the Settlement Agreement, Exhibits and the other legal documents that have been filed with the Court in this lawsuit. You can look at and copy these legal documents at any time during regular office hours at the Office of the Clerk of the Court, District Court of the Northern District of California, 450 Golden Gate Ave. San Francisco, CA 94102. These documents will also be available on the Claims Administrator's website at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com).

In addition, if you have any questions about the lawsuit or this Notice, you may:

- Visit the Claims Administrator's website at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or
- Write to: Dungeness Crab Settlement Administrator, c/o Gilardi & Co. LLC, P.O. box 8060, San Rafael, CA 94912-8060.
- Call Toll Free: 1-866-242-3988 between the hours of 7:00 am and 5:00 pm PST.

Claims will be handled by an independent administrator. Do not contact the Court directly about this settlement.

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAReturn Deadline May  
Be As Early As  
November 2, 2010

## Claim Form

(DUNGENESS CRAB CREWMEMBERS)

LRETZ

**Part 1: CLAIMANT INFORMATION**

(Please type or neatly print all information. DO NOT use red ink, pencil, or staples)

First Name

M.I.

Last Name

Residential Street Address:

Address Line 2

City

State

Zip Code

Daytime Telephone Number

Evening Telephone Number

Fax Number

E-mail Address:

If Claimant is other than an individual, state the name and capacity of the Person completing this form:

First Name

M.I.

Last Name

Capacity: \_\_\_\_\_

**PART 2: REQUIRED INFORMATION**

Please check the applicable boxes:

☐ I worked as a crewmember on a crab boat commercially fishing for Dungeness crab in District 10 during the 2007/2008 season.☐ I worked as a crewmember on a crab boat commercially fishing for Dungeness crab in District 10 during the 2006/2007 season.☐ I worked as a crewmember on a crab boat commercially fishing for Dungeness crab in District 10 during the 2005/2006 season.☐ I worked as a crewmember on a crab boat commercially fishing for Dungeness crab in District 10 during the 2004/2005 season.☐ I worked as a crewmember on a crab boat commercially fishing for Dungeness crab in District 10 during the 2003/2004 season.CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)

\*\*\* To qualify as Dungeness Crab Crewmember you must have commercially fished in District 10 during the 2007/2008 season AND one or more seasons from 2003/2004 to 2006/2007.

\*\*\* Please make sure to check each applicable box. Qualifying Dungeness Crab Crewmembers will be paid additional settlement payments for EACH additional season the crewmember fished between the 2003/2004 and 2006/2007 seasons.

### PART 3: REQUIRED DOCUMENTATION

IF YOU ARE A CREWMEMBER: You must:

(1) provide a completed signed and dated copy of this Claim Form. This Claim Form must be postmarked or filed online within sixty (60) days of the Court's entry of a Final Order Approving the settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting this Claim Form could be as early as November 2, 2010; **AND**

(2) provide a copy of your Proof of Crewmember Participation for each qualifying season from 2003/04 to 2007/08.

**"Proof of Crewmember Participation"** means ANY of the following alternative combinations of proof:

(1) a copy of your California Fish & Game Commercial Fishing License covering the applicable season and a copy of an Internal Revenue Service Form 1099 showing payment to you for work as a crewmember on a crab boat that commercially fished for Dungeness crab in District 10; **OR**

(2) a copy of your California Fish & Game Commercial Fishing License covering the applicable season and a copy of your federal tax return for the years covering the applicable season; **OR**

(3) a copy of your California Fish & Game Commercial Fishing License covering the applicable season and a sworn declaration from the owner or operator of the crab boat that commercially fished for Dungeness crab in District 10 on which the Crab Crewmember worked during the applicable season and a canceled check showing payment from such owner or operator to the Crab Crewmember.

### PART 4: SUBMISSION TO JURISDICTION OF THE DISTRICT COURT

By signing below, you are verifying that:

(1) you have documentation to support your claim and agree to provide additional information to Class Counsel or the Claims Administrator to support your claim if necessary;

(2) the information provided in this Claim Form is accurate and complete;

(3) you are submitting to the exclusive jurisdiction of the United States Court for the Northern District of California for all purposes associated with this Settlement.



**PART 5: ACKNOWLEDGMENT AND CERTIFICATION OF CLAIMANTS**

I have read and understand the Notice, I am a member of the Dungeness Crab Settlement Class, I represent and warrant that the information contained herein is true, correct, and accurate, I specifically warrant that I am the rightful and only owner or assignee of the Claim submitted and have not otherwise transferred or encumbered any right or interest in this Claim and/or right or entitlement arising from the Settlement to any Person.

**Release:** In consideration of the benefits provided by the Dungeness Crab Settlement, and subject to various paragraphs contained in the Dungeness Crab Settlement Agreement, I, on behalf of myself and my agents, heirs, executors and administrators, successors, attorneys, representatives, and assignees, fully, finally, and forever release, relinquish, and discharge all Released Dungeness Crab Claims against the Released Parties according to the definition of Released Dungeness Crab Claims and Released Parties below.

**“Released Dungeness Crab Claims”** means, subject to the exclusions stated in this paragraph, any and all liens, claims, actions, or causes of action, for damages, economic losses, business losses, loss of profits, earning capacity, loss of enjoyment, loss of subsistence, damages to natural resources, business interruption, personal distress, personal or financial impact, consequences that a Releasing Party, or any one of them, ever had, now has, or hereafter can, shall, or may have, directly, representatively, derivatively, or in any other capacity against Released Parties, on account of or arising from the alleged oil pollution arising from the CBOS and its effect, if any, upon the Releasing Party’s activities as a commercial Dungeness crab fisherman in the San Francisco Bay and surrounding ocean areas. Released Dungeness Crab Claims specifically includes any claims of Releasing Parties against Released Parties based on latent, unknown, or future damages to the Dungeness crab fisheries which may not yet have manifested themselves and which may negatively impact the Dungeness Crab Fishery in the San Francisco Bay and surrounding ocean areas at any future time and/or the Releasing Party’s Dungeness crab income in the future. Specifically excluded from Released Dungeness Crab Claims are any and all claims that Releasing Parties or any other Person may have on account of or arising from: (1) any loss of, or damage to, real or personal property; and (2) the effect, if any, of the CBOS and alleged oil pollution resulting there from on any natural resource other than Dungeness crab or on any commercial fishery other than the District 10 Commercial Dungeness Crab Fishery, including but not limited to the District 9 Commercial Dungeness Crab Fishery.

**“Released Parties”** means all those with an interest in the M/V Cosco Busan (including Regal Stone Ltd., Hanjin Shipping Company Ltd., Fleet Management Ltd., Fleet Management (Europe) Ltd., the M/V Cosco Busan, Synergy Maritime Services, Synergy Marine Ltd., the crew of the M/V Cosco Busan, Hudson Marine Management Services, The Steamship Mutual Underwriting Association (Bermuda) Ltd., Keesal, Young & Logan PC, John J. Cota, The San Francisco Bay Bar Pilots Association, The San Francisco Bay Bar Pilots Benevolent Association and each of those entities’ respective agents, principals, attorneys, parents, subsidiaries, affiliates, sister companies and associated holdings.

All the information that I supplied in this Claim Form is true and correct to the best of my knowledge and belief.

This document is signed under penalty of perjury.

**SIGNATURE OF CLAIMANT:** (If this claim is being made on behalf of more than one claimant, then each must sign)

Signature: \_\_\_\_\_

Type/Print Name: \_\_\_\_\_

(If you did not receive a copy of the Notice by mail with this Claim Form, a copy is available for you to review and download at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com).)

**ACCURATE PROCESSING OF CLAIMS MAY TAKE SIGNIFICANT TIME.  
THANK YOU, IN ADVANCE, FOR YOUR PATIENCE.**

CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)



This Page Intentionally Left Blank



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Allen Loretz, individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

Regal Stone, Ltd., Hanjin Shipping, Co., Ltd.,  
Synergy Maritime, Ltd., Fleet Management Ltd., and  
John Cota, *In Personam*; M/V Cosco Busan, their  
engines, tackle, equipment, appurtenances, freights,  
and cargo *In Rem*,

Defendants.

Case No. C 07-5800 SC

**PROOF OF CLAIM FORM  
(DUNGENESS CRAB CREWMEMBERS)**

**TO: ALL COMMERCIAL DUNGENESS CRAB CREWMEMBERS EMPLOYED ON BOATS OPERATING  
IN DISTRICT 10 AT THE TIME OF THE M/V COSCO BUSAN OIL SPILL OF NOVEMBER 7, 2007**

**I. GENERAL INSTRUCTIONS**

This Dungeness Crab Crewmember Proof of Claim form ("Claim Form") must be completed and returned by Class Members who seek payment as a Dungeness Crab Crewmember from the Settlement. The Claim Form must be **postmarked or filed on-line within sixty (60) days of the Court's entry of a Final Order Approving the Settlement**. The Court will hold a hearing on final approval on September 3, 2010. **Therefore, the deadline for submitting the Claim Form could be as early as November 2, 2010.** Please visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or call 1-866-242-3988 for exact claims deadline information. Completed Claim Forms can be filed on-line at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com). If you fail to mail a timely, properly addressed Claim Form or timely file a Claim Form on-line, your claim may be rejected and you may be precluded from any recovery from the settlement. Class Members who choose not to file a Claim Form on-line should mail their completed Claim Form to the Claims Administrator at:

Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
PO Box 8060  
San Rafael, CA 94912-8060

Members of the Class who did not timely and validly seek exclusion from the Settlement Class will be bound by the judgment entered approving the settlement as to Defendants and the Release regardless of whether they submit a Claim Form. If you have submitted a request for exclusion from the Settlement Class in connection with the settlement, do not submit this Claim Form.

**II. DEFINITIONS**

- A. "CBOS"** means the oil spill that resulted from the allision of the Cosco Busan with the San Francisco-Oakland Bay Bridge on November 7, 2007.
- B. "Dungeness Crab Settlement Class"** means all Dungeness Crab Skippers and Dungeness Crab Crewmembers. Excluded from the Dungeness Crab Settlement Class are: (1) Defendants and their subsidiaries and affiliates; (2) all Individually Settled Skippers; (3) all persons who are required, as a condition of participating in this Settlement, to submit a Dungeness Crab Closure Claim through the Dungeness Crab Closure Claims Process on or before the Skipper Closure Claim Deadline and fail to do so; (4) governmental entities; and (5) the Judges to whom the Actions are assigned and any immediate family members thereof.
- C. "Dungeness Crab Crewmember"** means any individual who can demonstrate, through Proof Of Crewmember Participation, that he or she worked as a crewperson on a crab boat commercially fishing
- CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)**

for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery during the 2007/08 District 10 Commercial Dungeness Crab Fishery and during one or more Dungeness Crab Crewmember Qualifying Season. Dungeness Crab Crewmembers do not include those Persons who have received a portion of any Final Individual Skipper Settlement Payment.

- D. “Dungeness Crab Skipper”** means an individual or entity in the United States who, at the time of the CBOS, was a commercial crab boat operator authorized to fish for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery and is eligible for participation in the Dungeness Crab Closure Claims Process and has submitted a Dungeness Crab Closure Claim relating to the District 10 Commercial Dungeness Crab Fishery through the Dungeness Crab Closure Claims Process on or before the Skipper Closure Claim Deadline and ultimately receives, as a result, compensation through the Dungeness Crab Closure Claims Process relating to the District 10 commercial Dungeness crab fishery.
- E. “Class Members”** mean all members of the Class who did not timely and validly elect to be excluded from the Class certified by the Court.
- F. “Dungeness Crab Crewmember Qualifying Season”** means the 2003/04, 2004/05, 2005/06 or 2006/07 District 10 Commercial Dungeness Crab Fishery season.

#### REMINDER LIST

Please make sure that you:

1. Sign and date the Certification on page 2 of the Claim Form (Part IV);
2. Keep a copy of the completed Claim Form for your records;
3. Attach all requested documentation;
4. You must keep originals and/or copies of your documentation in case verification of your claim is necessary;
5. Send your Claim Form by Certified Mail (return receipt requested) if you want proof that your claim form was received; and
6. **CLAIMS DEADLINE:** Please note that the deadline to file a claim may be different for skippers and crew members. For instructions on how to determine your deadline to file, immediately visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) and click the link, “CLAIMS DEADLINE INFORMATION” or call toll-free 1-866-242-3988.

#### ADDITIONAL INFORMATION

Contact the Claims Administrator at:

Toll-free 1-866-242-3988

**OR**

Visit the website:

[www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)

If you change your mailing address, please notify the Claims Administrator, in writing, at:

Dungeness Crab Settlement Administrator

c/o Gilardi & Co. LLC

PO Box 8060

San Rafael, CA 94912-8060



# EXHIBIT C

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAReturn Deadline May  
Be As Early As  
March 2, 2011**Claim Form**  
(DUNGENESS CRAB SKIPPERS)**LRETZ****Part 1: CLAIMANT INFORMATION**

(Please type or neatly print all information. DO NOT use red ink, pencil, or staples)

First Name

M.I.

Last Name

Residential Street Address:

Address Line 2

City

State

Zip Code

Daytime Telephone Number

Evening Telephone Number

Fax Number

E-mail Address:

If Claimant is other than an individual, state the name and capacity of the Person completing this form:

First Name

M.I.

Last Name

Capacity: \_\_\_\_\_

**PART 2: REQUIRED INFORMATION AND DOCUMENTATION**IF YOU ARE A SKIPPER: You must:

(1) if your Dungeness Crab Closure Claim has not yet been resolved, submit your Dungeness Crab Closure Claim to the Dungeness Crab Closure Claims Process within one hundred and twenty (120) days of the Court's entry of a Final Order Approving the Settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting your Dungeness Crab Closure Claim could be as early as January 1, 2011. Contact Hudson Marine Management Services at 1-866-442-9650 for information concerning how to submit your claim to the Dungeness Crab Closure Claims Process; **AND**

(2) provide a completed, signed and dated copy of this Claim Form and mail it to the address below so that it is postmarked or filed online within one hundred and eighty (180) days of the Court's entry of a Final Order Approving the Settlement or within one hundred and eighty (180) days of the resolution of your Dungeness Crab Closure Claim if your Dungeness Crab Closure Claim has not been resolved prior to entry of Final Order Approving the Settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting this Claim Form could be as early as March 2, 2011. You must include the following information when submitting your Claim Form along with proof thereof (please provide the requested dollar amounts in the spaces provided):

(a) the amount received by you as a Dungeness Crab Closure Payment;

\$ 

(b) the amount, if any, of any Clean-Up Payment Reduction by which your Dungeness Crab Closure Payment was reduced; and

\$ 

(c) the amount, if any, of reasonable attorneys' fees that you paid to an attorney in exchange for assistance in the Dungeness Crab Closure Claims Process.

\$ CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)

**PART 3: SUBMISSION TO JURISDICTION OF THE DISTRICT COURT**

By signing below, you are verifying that:

- (1) you have documentation to support your claim and agree to provide additional information to Class Counsel or the Claims Administrator to support your claim if necessary;
- (2) the information provided in this Claim Form is accurate and complete;
- (3) you are submitting to the exclusive jurisdiction of the United States Court for the Northern District of California for all purposes associated with this Settlement.

**PART 4: ACKNOWLEDGMENT AND CERTIFICATION OF CLAIMANTS**

I have read and understand the Notice, I am a member of the Dungeness Crab Settlement Class, I represent and warrant that the information contained herein is true, correct, and accurate, I specifically warrant that I am the rightful and only owner or assignee of the Claim submitted and have not otherwise transferred or encumbered any right or interest in this Claim and/or right or entitlement arising from the Settlement to any Person.

**Release:** In consideration of the benefits provided by the Dungeness Crab Settlement, and subject to various paragraphs contained in the Dungeness Crab Settlement Agreement, I, on behalf of myself and my agents, heirs, executors and administrators, successors, attorneys, representatives, and assignees, fully, finally, and forever release, relinquish, and discharge all Released Dungeness Crab Claims against the Released Parties according to the definition of Released Dungeness Crab Claims and Released Parties below.

**"Released Dungeness Crab Claims"** means, subject to the exclusions stated in this paragraph, any and all liens, claims, actions, or causes of action, for damages, economic losses, business losses, loss of profits, earning capacity, loss of enjoyment, loss of subsistence, damages to natural resources, business interruption, personal distress, personal or financial impact, consequences that a Releasing Party, or any one of them, ever had, now has, or hereafter can, shall, or may have, directly, representatively, derivatively, or in any other capacity against Released Parties, on account of or arising from the alleged oil pollution arising from the CBOS and its effect, if any, upon the Releasing Party's activities as a commercial Dungeness crab fisherman in the San Francisco Bay and surrounding ocean areas. Released Dungeness Crab Claims specifically includes any claims of Releasing Parties against Released Parties based on latent, unknown, or future damages to the Dungeness crab fisheries which may not yet have manifested themselves and which may negatively impact the Dungeness Crab Fishery in the San Francisco Bay and surrounding ocean areas at any future time and/or the Releasing Party's Dungeness crab income in the future. Specifically excluded from Released Dungeness Crab Claims are any and all claims that Releasing Parties or any other Person may have on account of or arising from: (1) any loss of, or damage to, real or personal property; and (2) the effect, if any, of the CBOS and alleged oil pollution resulting there from on any natural resource other than Dungeness crab or on any commercial fishery other than the District 10 Commercial Dungeness Crab Fishery, including but not limited to the District 9 Commercial Dungeness Crab Fishery.

**"Released Parties"** means all those with an interest in the M/V Cosco Busan (including Regal Stone Ltd., Hanjin Shipping Company Ltd., Fleet Management Ltd., Fleet Management (Europe) Ltd., the M/V Cosco Busan, Synergy Maritime Services, Synergy Marine Ltd., the crew of the M/V Cosco Busan, Hudson Marine Management Services, The Steamship Mutual Underwriting Association (Bermuda) Ltd., Keesal, Young & Logan PC, John J. Cota, The San Francisco Bay Bar Pilots Association, The San Francisco Bay Bar Pilots Benevolent Association and each of those entities' respective agents, principals, attorneys, parents, subsidiaries, affiliates, sister companies and associated holdings.

All the information that I supplied in this Claim Form is true and correct to the best of my knowledge and belief.

This document is signed under penalty of perjury.

**SIGNATURE OF CLAIMANT:** (If this claim is being made on behalf of more than one claimant, then each must sign)

Signature: \_\_\_\_\_

Type/Print Name: \_\_\_\_\_

(If you did not receive a copy of the Notice by mail with this Claim Form, a copy is available for you to review and download at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com).)

**ACCURATE PROCESSING OF CLAIMS MAY TAKE SIGNIFICANT TIME.  
THANK YOU, IN ADVANCE, FOR YOUR PATIENCE.**

CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Allen Loretz, individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

Regal Stone, Ltd., Hanjin Shipping, Co., Ltd., Synergy  
Maritime, Ltd., Fleet Management, Ltd., and John Cota,  
*In Personam*; M/V Cosco Busan, their engines, tackle,  
equipment, appurtenances, freights, and cargo *In Rem*,

Defendants.

Case No. C 07-5800 SC

PROOF OF CLAIM FORM  
(DUNGENESS CRAB SKIPPERS)

TO: ALL COMMERICAL DUNGENESS CRAB FISHERMEN OPERATING IN DISTRICT 10 AT THE TIME OF  
THE M/V COSCO BUSAN OIL SPILL OF NOVEMBER 7, 2007

I. GENERAL INSTRUCTIONS

This Dungeness Crab Skipper Proof of Claim Form ("Claim Form") must be completed and returned by Class Members who seek payment as a Dungeness Crab Skipper from the Settlement. The Claim Form must be **postmarked or filed on-line within one hundred and eighty (180) days of the Court's entry of a Final Order Approving the Settlement *or* within one hundred and eighty (180) days of resolution of your Dungeness Crab Closure Claim** if your Dungeness Crab Closure Claim has not been resolved prior to entry of a Final Order Approving the Settlement. The Court will hold a hearing on final approval on September 3, 2010. **Therefore, the deadline for submitting the Claim Form could be as early as March 2, 2011.** Please visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) or call 1-866-242-3988 for exact claims deadline information. Completed Claim Forms can also be filed online at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com). If you fail to mail a timely, properly addressed Claim Form or timely file a Claim Form online, your claim may be rejected and you may be precluded from any recovery from the Settlement. Class Members who choose not to file a Claim Form online should mail their completed Claim Form to the Claims Administrator at:

Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
PO Box 8060  
San Rafael, CA 94912-8060

Members of the Class who did not timely and validly seek exclusion from the Settlement Class will be bound by the judgment entered approving the Settlement as to Defendants and the Releasees regardless of whether they submit a Claim Form. If you have submitted a request for exclusion from the Settlement Class in connection with the Settlement, do not submit this Claim Form.

II. DEFINITIONS

- A. "CBOS" means the oil spill that resulted from the collision of the Cosco Busan with the San Francisco-Oakland Bay Bridge on November 7, 2007.
- B. "Dungeness Crab Settlement Class" means all Dungeness Crab Skippers and Dungeness Crab Crewmembers. Excluded from the Dungeness Crab Settlement Class are: (1) Defendants and their subsidiaries and affiliates; (2) all Individually Settled Skippers; (3) all Persons who are required, as a condition of participating in this Settlement, to submit a Dungeness Crab Closure Claim through the Dungeness Crab Closure Claims Process on or before the Skipper Closure Claim Deadline and fail to do so; (4) governmental entities; and (5) the Judges to whom the Actions are assigned and any immediate family members thereof.

CLAIM FORMS MAY BE FILED ON-LINE AT [www.dungenesscrabSettlement.com](http://www.dungenesscrabSettlement.com)

- C. “Dungeness Crab Crewmember”** means any individual who can demonstrate, through Proof Of Crewmember Participation, that he or she worked as a crewperson on a crab boat commercially fishing for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery during the 2007/08 District 10 Commercial Dungeness Crab Fishery and during one or more Dungeness Crab Crewmember Qualifying Season. Dungeness Crab Crewmembers do not include those Persons who have received a portion of any Final Individual Skipper Settlement Payment.
- D. “Dungeness Crab Skipper”** means an individual or entity in the United States who, at the time of the CBOS, was a commercial crab boat operator authorized to fish for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery and is eligible for participation in the Dungeness Crab Closure Claims Process and has submitted a Dungeness Crab Closure Claim relating to the District 10 Commercial Dungeness Crab Fishery through the Dungeness Crab Closure Claims Process on or before the Skipper Closure Claim Deadline and ultimately receives, as a result, compensation through the Dungeness Crab Closure Claims Process relating to the District 10 Commercial Dungeness Crab Fishery.
- E. “Class Members”** means all members of the Class who did not timely and validly elect to be excluded from the Class certified by the Court.
- F. “Clean-Up Payment Reduction”** means any amount by which a Dungeness Crab Settlement Class Member's Dungeness Crab Closure Payment was reduced to reflect mitigation payment that the Dungeness Crab Settlement Class Member received in exchange for participation in the clean-up of the CBOS during the time of the closure.
- G. “Dungeness Crab Closure Claims Process”** means the process established by Regal Stone Limited under the Oil Pollution Act of 1990 (“OPA”) and the Lempert-Keane-Seastrand Act and administrated by Hudson Marine, by which commercial Dungeness crab fishermen are compensated for their Dungeness Crab closure losses.
- H. “Dungeness Crab Closure Losses”** means the alleged loss of income suffered by commercial Dungeness crab fishermen resulting from the effect of the California Executive Order dated November 13, 2007 suspending fishing for human consumption in the San Francisco Bay and other defined waters on the 2007 District 10 Dungeness Crab Fishery.
- I. “Dungeness Crab Closure Claim”** means the claim filed by commercial Dungeness crab fishermen through the Dungeness Crab Closure Claims Process for their Dungeness Crab Closure Losses. If your Dungeness Crab Closure Claim has not yet been resolved, in order to participate in the Settlement you must submit your Dungeness Crab Closure Claim to the Dungeness Crab Closure Claims Process within one hundred and twenty (120) days of the Court's entry of a Final Order Approving the Settlement. The Court will hold a hearing on final approval on September 3, 2010. Therefore, the deadline for submitting your Dungeness Crab Closure Claim could be as early as January 1, 2011. Contact Hudson Marine Management Services at 1-866-442-9650 for information concerning how to submit your Dungeness Crab Closure Claim to the Dungeness Crab Closure Claims Process.
- J. “Dungeness Crab Closure Claim Payment”** means the fully adjusted and allowed claim amount that a Dungeness Crab Skipper received or will receive for Dungeness Crab Closure Losses through the Dungeness Crab Closure Claims Process. The Dungeness Crab Closure Claim Payment includes the entire amount receive by a Dungeness Crab Skipper, regardless whether some portions of the Dungeness Crab Closure Claim Payment was paid to an attorney representing the Dungeness Crab Skipper. The Dungeness Crab Closure Payment does not include any payments paid to Dungeness Crab Skipper (including separate payments paid by Defendants to an attorney, if any) for any losses other than the Dungeness Crab Closure Losses.

**REMINDER LIST**

Please make sure that you:

1. sign and date the Certification on page 2 of the Claim Form (Part 4);
2. keep a copy of the completed Claim Form for your records;
3. attach all requested documentation;
4. keep originals and/or copies of your documentation in case verification of your claim is necessary; and
5. send your Claim Form by Certified Mail (return receipt requested) if you want proof that your Claim Form was received.

**CLAIMS DEADLINE:** Please note that the deadline to file a claim may be different for skippers and crew members. For instructions on how to determine your deadline to file, immediately visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) and click the link, “CLAIMS DEADLINE INFORMATION” or call toll-free: 1-866-242-3988.

**ADDITIONAL INFORMATION**

Contact the Claims Administrator at:  
Toll-free 1-866-242-3988

**OR**

Visit the website:

[www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)

If you change your mailing address, please notify the Claims Administrator, in writing, at:

Regal Stone Settlement Administrator  
c/o Gilardi & Co. LLC  
PO Box 8060  
San Rafael, CA 94912-8060

# **EXHIBIT D**

*U.S. DISTRICT COURT - N.D. CAL. (Loretz et al. v. Regal Stone, et al.)  
SAN FRANCISCO SUPERIOR COURT (Tarantino et al. v. Regal Stone, et al.)*

## IF YOU WERE A COMMERCIAL DUNGENESS CRAB FISHERMEN OPERATING IN DISTRICT 10 AT THE TIME OF THE NOVEMBER 7, 2007 COSCO BUSAN OIL SPILL YOU MAY BE ELIGIBLE TO PARTICIPATE IN A CLASS ACTION SETTLEMENT

You may be able to participate in a class action settlement ("Settlement") related to the November 7, 2007 Cosco Busan Oil Spill ("CBOS") if:

- You were a **commercial Dungeness crab fisherman (skipper or crewmember)** operating in District 10 at the time of the CBOS.

The Settlement provides monetary payments to each class member that could be worth **THOUSANDS of DOLLARS**.

### Why Are These Payments Being Made?

The payments are being made to settle the claims made on behalf of commercial Dungeness crab fishermen operating in District 10 ("Dungeness Crab Settlement Class") made in federal court and state court class actions filed against Regal Stone, Ltd., Fleet Management, Hanjin Shipping, Co., Ltd., John Cota, and others ("Defendants").

### Do I Qualify As A Class Member?

If you are a commercial Dungeness crab fishermen operating in District 10 at the time of the CBOS, you may qualify, including Dungeness crab skippers and crewmembers.

Commercial Dungeness crab fishermen who have individually hired their own lawyers and executed final releases of their commercial Dungeness crab claims are not part of the Class. (For more information, please contact the claims administrator at the address or number below or review the information at [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com).)

This Settlement does not cover or release the claims of any other type of commercial or subsistence fishermen.

### If I Qualify, How Much Will I Be Paid?

In summary, if you are a qualifying Dungeness Crab Skipper, you will receive: (1) a payment equal to 25% of the total amount that the class member ultimately received or will receive through the claims process arising out of the closure of the District 10 Dungeness crab fishery from November 7, 2007 through December 1, 2007 ("Dungeness Crab Closure Claims Process"); (2) a payment equal to any amount by which the class member's payment received through the Dungeness Crab Closure Claims Process ("Dungeness Crab Closure Payment") was reduced to reflect amounts earned for participating in the CBOS clean-up; (3) a payment equal to the amount that the class member paid an attorney to assist the class member in the Dungeness Closure Claims Process up to twenty-seven percent (27%) of the Dungeness Crab Closure Payment received by the class member.

If you are a qualifying Dungeness Crab Crewmember, you will receive: (1) A payment of \$500 ("Dungeness Crab Crewmember Base Settlement Payment"); and (2) A payment of \$250 for each Dungeness Crab Crewmember Qualifying Season that the Dungeness Crab Crewmember can demonstrate, through Proof Of Crewmember Participation, that he or she worked as a crewperson on a crab boat commercially fishing for Dungeness crab in the District 10 Commercial Dungeness Crab Fishery that is in addition to the Dungeness Crab Crewmember Qualifying Season necessary

to qualify as Dungeness Crab Crewmember ("Dungeness Crab Crewmember Additional Settlement Payment").

### What Should I Do?

Get complete information about the Settlement. Read the materials, and make a decision about your legal rights to:

- Remain in the Dungeness Crab Settlement Class and file a claim for a refund. If you stay in the Class you give up your legal right to bring any further claims arising out of the CBOS and its effect on you, as a commercial Dungeness crab fisherman in District 10. However, you can object to or comment on the Settlement and you have a right to appear in Court.

**CLAIMS DEADLINE:** Please note that the deadline to file a Claim may be as early as November 2, 2010. For instructions on how to determine your deadline to file, immediately visit [www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com) and click the link, "CLAIMS DEADLINE INFORMATION" or call toll-free 1-866-242-3988.

- Exclude yourself and keep any right you may have to Defendants, as a commercial Dungeness crab fishermen operating in District 10. All requests for exclusion must be made in writing by July 19, 2010.

Your decision whether to remain in the Dungeness Crab Settlement Class or exclude yourself from it will have no effect on your ability to pursue claims that are unrelated to the District 10 commercial Dungeness crab fishery, or that arise out of any claim of property damage or personal injury.

The Court has appointed counsel ("Class Counsel") to represent all class members. There is no cost to you to be represented by Class Counsel. Class Counsel will be applying to the Court for an order requiring Defendants to pay Class Counsel's attorneys' fees. You can also hire your own attorney at your own cost – these attorneys' fees will not be reimbursed under this Settlement.

The Court will determine whether to approve the Settlement at a Fairness Hearing on September 3, 2010 at 10:00 a.m. at the United States District Court for the Northern District of California, Senior Judge Samuel Conti, Courtroom 1, 17th Floor, 450 Golden Gate Ave. San Francisco, CA 94102.

Claims will be handled by an independent administrator. Please do not telephone or address inquiries to the Court.

This is only a Summary of the Settlement.

For Complete Information and a Claim Form:

Call: **1-866-242-3988**

Visit: Claims Administrator's website

[www.dungenesscrabsettlement.com](http://www.dungenesscrabsettlement.com)

Write: Dungeness Crab Settlement Administrator  
c/o Gilardi & Co. LLC  
PO Box 8060  
San Rafael, CA 94912-8060